

REMARKS/ARGUMENTS

Claims 1-13, 15, 17-19, 21-26, and 30-41 are pending in this application. By this Amendment, the drawings, abstract, specification, and claims 1-13, 15, 17-19, and 21-26 are amended, claims 30-47 are added, and claims 14, 16, 20, and 27-29 are cancelled without prejudice or disclaimer. The drawings, abstract and specification are amended for clarification purposes only. No new matter is added. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

I. ALLOWABLE SUBJECT MATTER

The Examiner is thanked for the indication that claims 17-19, 21-22, and 24-25 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Claims 17, 19, 21, and 22 have been rewritten in independent form. Thus, claims 17, 19, 21, and 22, as well as dependent claim 18 and newly added claims 36-41, which depend respectively therefrom, should be in condition for allowance.

II. RESTRICTION REQUIREMENT

Applicants maintain their traversal of the restriction/election requirement set forth in the Patent Office communication dated April 21, 2004.

Amendments to the Drawings:

The attached drawings include changes to Figures 8 and 16A-16B. These sheets, which include Figures 8 and 16A-16B, replace the original sheets including Figures 8 and 16A-16B. In Figure 8, reference numeral 42 has been changed to 442 to preclude a duplication of reference numerals between the lower terminal (42) and the worm gear unit (now 442). In Figures 16A-16B, reference numeral 20b has been changed to 20c to preclude a duplication of reference numerals between the antenna hole (20b) and the hooking groove (now 20c).

Attachment: Replacement Sheets (2)
Annotated Sheets Showing Changes (2)

III. REJECTIONS UNDER 35 U.S.C. §103(A)

A. Claims 1, 15-16, 23, and 26-29

The Office Action rejects claims 1, 16, 23, and 26-29 under 35 U.S.C. §103(a) as being unpatentable over Rudisill et al., U.S. Patent No. 6,208,874 (hereinafter “Rudisill”) in view of Martensson, U.S. Patent No. 5,151,946 (hereinafter “Martensson”). The Office Action also rejects claims 14-15 under 35 U.S.C. §103(a) as being unpatentable over Rudisill and Martensson, and further in view of Juergens et al., U.S. Patent No. 5,497,060 (hereinafter “Juergens”). Claims 14, 16, and 27-29 are cancelled. The rejections, in so far as they apply to claims 1, 15, 23, and 26, are respectfully traversed.

Independent claim 1 has been amended to include the features of dependent claim 14, and dependent 14 is cancelled. Thus, independent claim 1 recites, *inter alia*, an operating unit configured to move the drawer cover in response to one touch. Independent claim 1 further recites that the operating unit comprises, *inter alia*, a pinion gear, a rack gear, a driving motor, and a worm gear unit. As acknowledged by the Examiner in the remarks regarding independent claim 1, Rudisill neither discloses nor suggests such features. Further, Martensson fails to overcome the deficiencies of Rudisill.

Martensson discloses a portable telephone, including a housing which has a main body 2 and a sleeve 7 which slides opened and closed relative to the main body 2. When the phone is closed, a button 14 extending outward from the main body 2 and a corresponding aperture 15 formed in the sleeve 7 maintain a relative position of the sleeve 7 on the main body 2. To open the phone, the button 14 is depressed, and the force of a coil spring 9 slides the sleeve 7 relative to the main body 2 to a fully extended position (see column 4, lines 35-39 or Martensson).

Martensson does not disclose or suggest an operating unit comprising a pinion gear, a rack gear, a driving motor, and a worm gear unit as recited in independent claim 1. Thus, it is respectfully submitted that independent claim 1 is allowable over Rudisill and Martensson.

Further, Juergens fails to overcome the deficiencies of Rudisill and Martensson. Juergens discloses a positioning stage used for an optical microscope which is moveable on a frame 10 in both the X and Y directions, and whose position is fixed based on signals generated by pairs of encoder strips 20-23 at edges of the stage. The stage includes a slide 13 which moves in the X direction, and a table 16 moveable on the slide 13 in the Y direction. The X axis drive system includes a drive shaft 26 connecting a motor 25 to a worm gear 28 which meshes with a worm wheel 29 upon rotation of the drive shaft 26. A pinion shaft 30 translates a rotational force from the worm wheel 29 to a pinion gear 32, which in turn engages a rack gear assembly 33 fixed to a rear edge portion of the table 16. A similar structure is used for the Y axis drive system. A control system for precisely controlling a position of the stage through the X and Y axis drive systems, including peripheral devices 50-51, interfaces 52-53, and encoders 20-23, is shown in Figure 5 of Juergens (see also column 4, line 38 - column 5, line 4 of Juergens).

MPEP 2141.01(a) states:

“[I]n order to rely on a reference as a basis for rejection of an applicant’s invention, the reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.”

The X and Y axis drive systems disclosed by Juergens are large drive systems designed to accurately position specimens for examination under an optical microscope, and thus are designed for precise control by the various control systems disclosed by Juergens, and are thus

not in the same field of endeavor as the drawer type mobile phone recited in independent claim 1, from which claim 15 depends.

Further, because the X and Y axis drive systems disclosed by Juergens are to work together with the control systems to precisely position the stage in a laboratory environment, there are no real size constraints, and maintaining the optical microscopes in a stable position is of primary importance. Thus, the optical microscopes and accompanying drive and control systems which position the stage are relatively large in comparison to a mobile phone, and thus not portable. In contrast, minimizing size and enhancing functionality and portability is of great concern in designing a mobile phone. Thus, it is respectfully submitted that the drive systems disclosed by Juergens are not reasonably pertinent to the particular problem with which the applicant was concerned when designing the drawer type mobile phone as recited in independent claim 1. For at least these reasons, it is respectfully submitted that the Juergens reference presents non-analogous art.

For at least these reasons, it is respectfully submitted that independent claim 1 is allowable over Rudisill, Martensson, and Juergens, and thus the rejection of independent claim 1 under 35 U.S.C. §103(a) over Rudisill and Martensson, and the rejection of claim 15 under 35 U.S.C. §103(a) over Rudisill, Martensson and Juergens should be withdrawn. Withdrawn dependent claims 2-13, as well as newly added claims 30-35, are allowable at least for the reasons discussed above with respect to independent claim 1, from which they depend, as well as for their added features.

Independent claim 23 recites, *inter alia*, a deformable elastic piece formed at one side of the main body and configured to be hooked by the hooking groove when the drawer cover is opened. As acknowledged by the Examiner in the remarks regarding independent claim 23, Rudisill neither discloses nor suggests such features. Further, Martensson fails to overcome the deficiencies of Rudisill.

More specifically, movement of the sleeve 7 is stopped at the fully extended position when a lip 16 formed on an internal top edge of the sleeve 7 abuts a flange 17 formed integrally on the main body 2 (see column 4, lines 56-59 and Figure 5 of Martensson). The lip 16 and the flange 17 are clearly rigid portions of the sleeve 7 and main body 2, respectively, and are thus not meant to be deformable or elastic. Rather, Martensson clearly discloses that the lip 16 and flange 17 are designed to abut so as to arrest movement of the sleeve 7 relative to the main body 2. Thus, Martensson clearly teaches away from either the lip 16 or the flange being deformable elastic pieces, in that any deformation of either of these pieces would allow further movement of the sleeve 7 relative to the main body 2, thus defeating the purpose of the lip 16 and the flange 17.

Accordingly, it is respectfully submitted that independent claim 23 is allowable over the applied combination, and thus the rejection of independent claim 23 under 35 U.S.C. §103(a) over Rudisill in view of Martensson should be withdrawn. Rejected dependent claim 26, as well as objected to claims 24 and 25, are allowable at least for the reasons set forth above with respect to independent claim 23, from which they depend, as well as for their added features.

B. Claims 20-22

The Office Action rejects claims 20-22 under 35 U.S.C. §103(a) as being unpatentable over Rudisill and Martensson, and further in view of Holshouser et al., U.S. Patent No. 6,151,486 (hereinafter "Holshouser"). It appears that the rejection of claims 21-22 is made in error, and that it was the Examiner's intention to reject only claim 20 over Rudisill, Martensson, and Holshouser. More specifically, the remarks following the rejection of claims 20-22 over Rudisill, Martensson, and Holshouser included in the Office Action (see pages 6-7) are only directed at claim 20. Further, the Office Action indicates that claims 21-22 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims (see page 8). Thus, it is assumed, for purposes of this reply, that this rejection applies only to claim 20, and that claims 21-22 remain allowable. Further, claim 20 is cancelled. Accordingly, it is respectfully submitted that the rejection is moot and thus should be withdrawn.

IV. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Carol L. Druzbeck, at the telephone number listed below. Favorable consideration and prompt allowance are earnestly solicited.

Serial No. 09/766,632
Amdt. Dated November 10, 2004
Reply to Office Action of August 13, 2004

Docket No. P-0183

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Carol L. Druzbeck
Registration No. 40,287

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3701 DYK:CLD:JKM/par/knv
Date: NOVEMBER 10, 2004

Please direct all correspondence to Customer Number 34610

Substitute Abstract:

A drawer-type mobile phone includes a main body with a drawer cover which is slidably movable along a face of the main body. The drawer cover has a panel form, allowing sides of the drawer cover to move along both side faces of the main body. A speaker is mounted at an upper inner surface of the drawer cover, and is connected with an audio amplifier of the main body through a connection member. An antenna is movably connected with a tuner terminal of the main body, and is able to move with the drawer cover as it opens and closes. An operating unit is provided which allows the drawer cover to be moved by one touch. This drawer type mobile phone allows for improved ease of use and transmitting/receiving sensitivity with a simplified structure.